

# 2012 ETC Certification of Support and Annual Report

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## **Report to Satisfy Requirements of FCC 11-161 and 47 C.F.R §54.313**

**Name of ETC Applicant:** The FairPoint Telephone Companies

**Study Area Code:** See Attachment 2

**Date of Filing:** July 2, 2012

**Person to contact for questions:**

**Name:** Barbara Galardo

**Telephone Number:** 207-535-4126

**E-mail address:** bgalardo@fairpoint.com

**State Filing Details:**

The data contained in this filing complies with the requirements set forth in FCC 11-161 and §54.313 as amended.

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## **Report 1: §54.313 (a) (1) - Five-Year Service Quality Improvement Plan**

1. A progress report on its five-year service quality improvement plan pursuant to § 54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year. The information shall be submitted at the wire center level or census block as appropriate.

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### **Response:**

The FairPoint Telephone Companies have been designated as an ETC by the State Commission, and that Commission has heretofore not required ETCs to file service quality improvement plans or annual updates. Hence, in accordance with the Wireline Competition Bureau's Clarification Order in DA 12-147, issued on February 3rd, 2012, paragraph 7, this provision's requirement to submit a progress report does not apply to The FairPoint Telephone Companies for this filing period.

## Report 2: §54.313 (a) (2)- Outage Report

2. Detailed information on any outage in the prior calendar year, as that term is defined in 47 CFR 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect

(i) At least ten percent of the end users served in a designated service area; or

(ii) A 911 special facility, as defined in 47 CFR 4.5(e).

(iii) Specifically, the eligible telecommunications carrier's annual report must include information detailing:

(A) The date and time of onset of the outage;

(B) A brief description of the outage and its resolution;

(C) The particular services affected;

(D) The geographic areas affected by the outage;

(E) Steps taken to prevent a similar situation in the future; and

(F) The number of customers affected.

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### Response:

The FairPoint Telephone Companies have been designated as an ETC by the State Commission, and that Commission has heretofore not required ETCs to file outage reports using the criteria outlined above. Hence, in accordance with the Wireline Competition Bureau's Clarification Order in DA 12-147, issued on February 3rd, 2012, paragraph 10, this provision's requirement to report outages does not apply to The FairPoint Telephone Companies for this filing period.

### **Report 3: §54.313 (a) (3)- Requests for Service**

3. The number of requests for service from potential customers within the recipient's service areas that were unfulfilled during the prior calendar year. The carrier shall also detail how it attempted to provide service to those potential customers.

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**Response:**

The FairPoint Telephone Companies have been designated as an ETC by the State Commission, and that Commission has heretofore not required ETCs to report outstanding requests for service using the criteria outlined above. Hence, in accordance with the Wireline Competition Bureau's Clarification Order in DA 12-147, issued on February 3rd, 2012, paragraph 10, this provision's requirement to report outstanding requests for service does not apply to The FairPoint Telephone Companies for this filing period.

## **Report 4: §54.313 (a) (4)- Complaints per 1,000 Connections**

4. The number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year.

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### **Response:**

Northern New England Telephone Operations, LLC (Maine SAC# 105111), for the period from January 2011 through December 2011, had a total of 0.5 complaints per 1,000 access lines for supported services as reported to the state regulatory agencies.

All other FairPoint Telephone Companies have been designated an ETC by the State Commission, and that Commission has heretofore not required ETCs to report complaints utilizing the criteria outlined above. Hence, in accordance with the Wireline Competition Bureau's Clarification Order in DA 12-147, issued on February 3rd, 2012, paragraph 10, this provision's requirement to report complaints does not apply to the remaining FairPoint Companies for this filing period.

## **Report 5: §54.313 (a) (5)-(6)- Certifications**

5. Certification that it is complying with applicable service quality standards and consumer protection rules. Certification that the carrier is able to function in emergency situations as set forth in §54.202(a)(2).

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### **Response:**

See **Attachment 1** – Affidavit of Michael Skrivan

## **Report 6: §54.313 (a) (7)- Current Price Offerings**

6. The FairPoint Telephone Companies' price offerings in a format as specified by the Wireline Competition Bureau.

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### **Response:**

The Wireline Competition Bureau has not established a format for the requested information, as specified in §54.313(a)(2)(iii)(F)(7), nor has this provision received Office of Management and Budget (OMB) approval as of the date of this filing. Therefore, no response is required at this time.



## **Report 7: §54.313 (a) (8)- Company Identification**

7. The recipient's holding company, operating companies, affiliates, and any branding (a "dba," or "doing-business-as company" or brand designation), as well as universal service identifiers for each such entity by Study Area Codes, as that term is used by the Administrator. For purposes of this paragraph, "affiliates" has the meaning set forth in section 3(2) of the Communications Act of 1934, as amended.

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### **Response:**

This provision has not received Office of Management and Budget (OMB) approval as of the date of this filing. Therefore, the requested information will be filed when appropriate.

## Report 8: §54.313 (a) (9)- Tribal Outreach

8. To the extent the recipient serves Tribal lands, documents or information demonstrating that the ETC had discussions with Tribal governments that, at a minimum, included:
- (i) A needs assessment and deployment planning with a focus on Tribal community anchor institutions;
  - (ii) Feasibility and sustainability planning;
  - (iii) Marketing services in a culturally sensitive manner;
  - (iv) Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and
  - (v) Compliance with Tribal business and licensing requirements.
    - Tribal business and licensing requirements include business practice licenses that Tribal and non-Tribal business entities, whether located on or off Tribal lands, must obtain upon application to the relevant Tribal government office or division to conduct any business or trade, or deliver any goods or services to the Tribes, Tribal members, or Tribal lands.
    - These include certificates of public convenience and necessity, Tribal business licenses, master licenses, and other related forms of Tribal government licensure.

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### Response:

The FCC's Wireline Competition Bureau has clarified in DA 12-147 (released February 3, 2012) at Paragraph 11 that tribal engagement reporting for 2012 is due April 1, 2013 after the Office of Native Affairs and Policy provides engagement process guidance. Therefore, this provision does not apply to The FairPoint Telephone Companies at this time.

## **Report 9: §54.313 (f) (2)- Annual Financial Report**

**Privately held rate-of-return carriers only.**

9. A full and complete annual report of The FairPoint Companies' financial condition and operations as of the end of the preceding fiscal year, which is audited and certified by an independent certified public accountant in a form satisfactory to the Commission, and accompanied by a report of such audit. The annual report shall include:

- balance sheets,
- income statements,
- and cash flow statements along with necessary notes to clarify the financial statements.

The income statements shall itemize revenue, including non-regulated revenue, by its sources.

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### **Response:**

The FairPoint Telephone Companies are publicly traded; therefore, this requirement does not apply.

## **Report 10: §54.313 (g)- Areas with No Terrestrial Backhaul**

- 10.** Carriers without access to terrestrial backhaul that are compelled to rely exclusively on satellite backhaul in their study area must certify annually that no terrestrial backhaul options exist.

Any such funding recipients must certify they offer broadband service at actual speeds of at least 1 Mbps downstream and 256 kbps upstream within the supported area served by satellite middle-mile facilities. To the extent that new terrestrial backhaul facilities are constructed, or existing facilities improve sufficiently to meet the relevant speed, latency and capacity requirements then in effect for broadband service supported by the CAF, within twelve months of the new backhaul facilities becoming commercially available, funding recipients must provide the certifications required in paragraphs (e) or (f) of this section in full. Carriers subject to this paragraph must comply with all other requirements set forth in the remaining paragraphs of this section.

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### **Response:**

This item is not applicable to The FairPoint Telephone Companies.

## **Report 11: §54.313 (h)- Additional Voice Rate Data**

- 11.** All incumbent local exchange carrier recipients of high-cost support must report all of their rates for residential local service for all portions of their service area, as well as state fees as defined pursuant to § 54.318(e), to the extent the sum of those rates and fees are below the rate floor as defined in § 54.318, and the number of lines for each rate specified. Carriers shall report lines and rates in effect as of June 1.

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### **Response:**

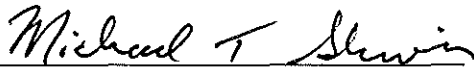
The FairPoint Telephone Companies complied with this reporting requirement when it responded to NECA's 2012 Local Rate Floor Data Collection.

## Attachment 1

### Affidavit of Michael Skrivan

I, Michael Skrivan, being of lawful age and duly sworn, on my oath and under penalty of perjury, state that I am the VP, Regulatory and an Officer of The FairPoint Telephone Companies and that I am authorized to execute this Affidavit on behalf of The FairPoint Telephone Companies, and the facts set forth in this Affidavit are accurate to the best of my knowledge, information and belief.

1. I have reviewed the foregoing 2012 ETC Certification of Support and Annual Report of The FairPoint Telephone Companies and hereby declare that the contents of the Report are true and correct to the best of my knowledge and belief.
2. I hereby certify pursuant to the requirements under 47 C.F.R. §54.313(a)(5) and §54.313(a)(6) that:
  - a. The FairPoint Telephone Companies have established operating procedures designed to facilitate compliance with applicable consumer protection rules.
  - b. The FairPoint Telephone Companies have established operating procedures designed to facilitate compliance with service quality standards, which may include customer remedies and improvement plans.
  - c. The FairPoint Telephone Companies is able to remain functional in emergency situations as set forth in §54.202(a)(2), and
3. All federal universal service support provided to The FairPoint Telephone Companies was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

  
Michael Skrivan

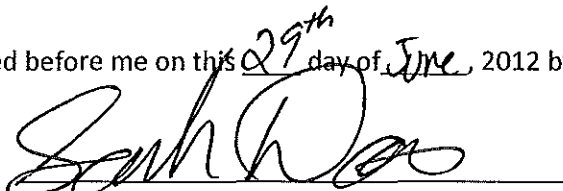
#### ACKNOWLEDGMENT

STATE OF Maine )

:ss.

COUNTY OF Cumberland )

Subscribed, sworn to and acknowledged before me on this 29<sup>th</sup> day of June, 2012 by  
Sarah A. Davis.

  
Attorney at Law  
Maine Bar No. 4219

## Attachment 2

### Study Area Code

Study Area	The FairPoint Telephone Companies	State
1	100004 CHINA TELEPHONE COMPANY	ME
2	100015 COMMUNITY SERVICE	ME
3	100025 MAINE TELEPHONE COMPANY	ME
4	100025 STANDISH TELEPHONE COMPANY	ME
5	103313 NORTHLAND TELEPHONE COMPANY OF MAINE, INC.	ME
6	103313 SIDNEY TELEPHONE COMPANY	ME
7	105111 NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC.	ME
8	125113 NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC.	NH
9	143331 FAIRPOINT VERMONT, INC.	VT
10	145115 TELEPHONE OPERATING COMPANY OF VERMONT, LLC.	VT
11	150073 BERKSHIRE TEL CORP	NY
12	150078 CHAUTAUQUA & ERIE	NY
13	150084 TACONIC TEL CORP	NY
14	170145 BENTLEYVILLE TEL CO	PA
15	170185 MARIANNA - SCENERY	PA
16	190244 PEOPLES MUTUAL TEL	VA
17	210291 GTC, INC.	FL
18	210329 GTC, INC.	FL
19	210339 GTC, INC.	FL
20	300604 COLUMBUS GROVE TEL	OH
21	300618 GERMANTOWN IND	OH
22	300649 ORWELL TEL CO	OH
23	341004 EL PASO TEL CO	IL
24	341009 C-R TEL CO	IL
25	341065 ODIN TEL EXCH INC	IL
26	411835 SUNFLOWER TEL CO	CO
27	411835 SUNFLOWER TELEPHONE COMPANY INC	KS
28	421472 FAIRPOINT MISSOURI	MO
29	431981 CHOUTEAU TEL CO	OK
30	461835 SUNFLOWER TEL - CO	CO
31	462192 BIG SANDY TELECOM	CO
32	462204 COLUMBINE ACQ CORP	CO
33	472222 FREMONT TELCOM	ID
34	522412 ELLENSBURG TEL CO	WA
35	522453 YCOM NETWORKS, INC.	WA